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8 NBCUNIVERSAL MEDIA, LLC

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11 IN THE UNITED STATES DISTRICT COURT
12 THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 STEVE WILSON BRIGGS,

Case No. 17-cv-06552-VC

15 Plaintiff,

[Hon. Vince Chhabria]

16 v.

17 UNIVERSAL CITY STUDIOS LLC;
18 NBCUNIVERSAL MEDIA, LLC;
19 SONY PICTURES ENT INC.; KEVIN
SPACEY; ARI (ARIEL) EMANUEL; MATT
DAMON; BEN AFFLECK; NEILL
20 BLOMKAMP; MORDECAI (MODI) WICZYK;
ASIF SATCHU; BILL BLOCK; DANA
21 BRUNETTI; MRC II DISTRIBUTION
COMPANY LP (AKA MRC, Media Rights
22 Capital, and all other MRC entities and
subsidiaries)

DEFENDANTS UNIVERSAL CITY
STUDIOS LLC'S AND NBCUNIVERSAL
MEDIA, LLC'S RESPONSE TO ORDER
TO SHOW CAUSE

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24 Defendants.
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1 Defendants Universal City Studios LLC and NBCUniversal Media, LLC (collectively,
 2 “NBCU”) respectfully submit this Response to the Court’s Order to Show Cause (ECF No. 71).
 3 NBCU respectfully requests that the Court address NBCU’s fully briefed Motion to Dismiss
 4 (ECF No. 26), and dismiss the meritless claims against NBCU with prejudice, before turning to
 5 whether Defendants Kevin Spacey or Dana Brunetti were properly served, and if not, whether
 6 the case should be dismissed without prejudice for lack of subject-matter jurisdiction.

7 Regardless of whether the claims against Defendants Spacey or Brunetti are ultimately
 8 dismissed,¹ federal claims are currently pending and the Court therefore has jurisdiction to rule
 9 on NBCU’s Motion to Dismiss. See United Mine Workers of Am. v. Gibbs, 383 U.S. 715, 725
 10 (1966) (supplemental jurisdiction “exists whenever there is a claim ‘arising under’ federal law
 11 (emphasis added)); Dunton v. Suffolk Cty., 580 F. Supp. 974, 977 (E.D.N.Y. 1983) (holding
 12 exercise of supplemental jurisdiction proper because “[f]ederal claims against [a co party] were
 13 not dismissed until well into the trial stage of this action”).

14 The parties have expended substantial effort on the fully-briefed Motion to Dismiss. If
 15 the claims are dismissed without prejudice because other defendants were not properly served,
 16 Plaintiff may simply re-file the case in another forum, forcing NBCU to expend more time and
 17 money defending against Plaintiff’s frivolous claims. Because the Court already is familiar with
 18 the issues and claims asserted, NBCU respectfully requests that the Court rule on its Motion to
 19 Dismiss before resolving the service and jurisdictional issues in the Order to Show Cause.

20 Respectfully submitted this 28th day of March, 2018.

21 DAVIS WRIGHT TREMAINE LLP
 22 KELLI L. SAGER
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25 By: /s/Rochelle L. Wilcox
 26 Rochelle L. Wilcox

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 28 UNIVERSAL CITY STUDIOS LLC and
 NBCUNIVERSAL MEDIA, LLC

¹ NBCU is not in a position to assess whether agents or attorneys for these independent parties are authorized to accept service.